

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Alex Alvarez,)	C/A No.: 2:24-cv-2690 DCN KFM
)	
Plaintiff,)	<u>ORDER</u>
)	
vs.)	
)	
The Davey Tree Expert Company, LLC,)	
)	
Defendant.)	
)	

The above-referenced case is before this court upon the magistrate judge's recommendation that defendant's motion to compel arbitration be granted, defendant's partial motion to dismiss be denied as moot, and to stay this matter pending arbitration.

This court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v Arm, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).¹ Plaintiff filed timely objections to the Report and

1 In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required.'" Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and

Recommendation on October 23, 2024. On November 5, 2024, defendant filed a reply to those objections.

A de novo review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's Report and Recommendation is **AFFIRMED** and incorporated into this order.

IT IS THEREFORE ORDERED that defendant's motion to compel arbitration is **GRANTED**, defendant's partial motion to dismiss is **DENIED AS MOOT**, and this matter is **STAYED** pending arbitration.

IT IS FURTHER ORDERED that the parties file status reports with the court every sixty (60) days, beginning January 13, 2025.

AND IT IS SO ORDERED.



David C. Norton
United States District Judge

November 14, 2024
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.

he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report.